

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

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|-----------------------------|---|-------------------------------|
| KENNETH W. MOORE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | File No. _____ |
| vs. |) | |
| |) | Judge _____ |
| CITY OF CLARKSVILLE, |) | Magistrate Judge _____ |
| |) | |
| Defendant. |) | JURY DEMAND |

COMPLAINT

Comes the Plaintiff, KENNETH W. MOORE, by and through counsel, Robert J. Martin, and sues the Defendant, CITY OF CLARKSVILLE, and for his cause of action does state as follows:

1. This is a civil action brought under the authority of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1983, and the Tennessee Human Rights Act (THRA) 4-21-101, et seq., for damages suffered as a result of Defendant's discriminatory actions with regard to wrongful termination. Attorney's fees are also sought pursuant to statute;

2. Venue herein is proper under 28 U.S.C. §1391, since the Plaintiff was employed by the Defendant who is located at 135 Commerce Street, Clarksville, Montgomery County, Tennessee. All administrative prerequisites to the filing of this civil action have been satisfied.

3. The Plaintiff filed an EEOC charge within 300 days of his termination pursuant to 42 U.S.C. § 2000e-5(e) and filed this action within ninety days of receiving his Right-to-Sue letter, which is attached hereto and marked Exhibit "A";

4. The Plaintiff, KENNETH MOORE, is an Caucasian who was employed by the City of Clarksville as a police officer from March 5, 1989 through July 21, 2008;

5. The Plaintiff was concerned about potential retaliation against him after his Wife filed discrimination complaints against the City and afterwards filing a lawsuit. The Plaintiff took some photographs of police vehicles utilized to attend a City Council meeting, on June 26, 2008, which the Plaintiff deemed to be in violation of a memo issued by the Police Chief in April 2008, concerning personal use of a city vehicle;

6. The proceeding day the Plaintiff was called in by the Deputy Chief and the Chief of Police and questioned about him taking the photographs. The Plaintiff explained that he took the photographs because he deemed the use of the patrol vehicles to be in violation of the Memo. The Chief advised him that the Plaintiff was conducting his own investigation;

7. The Plaintiff had been employed with the Defendant for nineteen years without incident, until his Wife filed suit against the Defendant and he then was targeted and treated differently than other officers;

8. Shortly thereafter the Plaintiff was wrongfully terminated on July 21, 2008, for which was done due to his Wife's complaints and suit;

9. The Defendant has a pattern and practice of discriminating and retaliating against officers, such as the Plaintiff herein, for their associations with others who have filed charges and complaints of discrimination against them.

10. The above activities were done under color of State law, and were the custom, policy and practice of the CPD to retaliate against any Clarksville Police Department employee who disagreed with departmental policies of the City of Clarksville relative to discrimination.

11. The City of Clarksville is liable for the discriminatory actions of the CPD;

12. This conduct by the defendant constitutes a violation of the Civil Rights Act of 1964, 42 U.S.C. § 1983, retaliatory harassment and discharge, hostile work environment, disparate treatment and disparate impact;

13. The Defendant's discriminatory practices as alleged herein have caused Plaintiff to suffer severe emotional distress and mental anguish, as well as physical pain and suffering, and other maladies which Plaintiff has experienced as a result of his having to cope with Defendant's retaliatory practices.

14. The Defendant's discriminatory practices as alleged herein have caused Plaintiff to suffer lost wages, both in the past and in the future;

15. The Defendant's discriminatory practices as alleged herein have also caused the Plaintiff to suffer a loss of other employment benefits and job opportunities.

16. The actions of the Defendant entitles the Plaintiff to an award of punitive damages under Title VII.

WHEREFORE, Plaintiff respectfully prays that this Court render judgment in his favor for:

1. Compensatory damages in an amount to be established at trial;
2. Punitive damages an amount to be established at trial;

3. Costs and attorney's fees associated with being forced to litigate this action and to protect his rights under both state and federal law;
4. Prospective and equitable relief such as the Court may deem proper to prevent the Defendant from or otherwise discriminating against the Plaintiff in the future;
5. Such other relief as the Court may deem proper; and,
6. Plaintiff demands a jury to try this cause.

Respectfully submitted,

Robert J. Martin BPR# 14641
Attorney for Plaintiff
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ATTORNEY FOR PLAINTIFF